

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

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UNITED STATES OF AMERICA,

-against-

SENTENCE
03 CR 181

JAMES STREET,

Defendant.

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APPEARANCES:

**BENTON J. CAMPBELL, UNITED STATES ATTORNEY
EASTERN DISTRICT OF NEW YORK**

610 Federal Plaza
Central Islip, NY 11722

By: Carrie Capwell, Assistant United States Attorney

FEDERAL DEFENDERS OF NEW YORK, INC.

Attorneys for the Defendant
460 Federal Plaza
Central Islip, NY 11722

By: Randi L. Chavis, Esq., Of Counsel

SPATT, District Judge.

On March 10, 2004 James Street pled guilty to a single count information charging him with distributing five grams or more of cocaine base. On February 23, 2005 this Court sentenced Street to 70 months' imprisonment to be followed by four years of supervised release. Since the offense involved 6.2 grams of cocaine base, the base offense level was 26, pursuant to the United States Sentencing Guidelines in effect on that date. The Defendant received a three-point reduction for acceptance of responsibility. With a total offense level of 23 and a criminal history category IV, the

applicable Guideline imprisonment range was 70 to 87 months. The Court sentenced Street to 70 months imprisonment.

On May 30, 2008, Assistant United States Attorney Carrie Capwell waived appearance on behalf of the United States and consented to imposition of a new sentence without an in-court appearance. Pursuant to 18 U.S.C. § 3582(c)(2) and U.S.S.G. § 1B1.10 (as amended effective March 3, 2008), Street's new base offense level is 24. U.S.S.G. § 2D1.1(c)(8) (Nov. 1, 2007 Manual). Further, Street is entitled to a three-point reduction for acceptance of responsibility. Based on a total offense level of 21 and a criminal history category of IV, the Guideline imprisonment range is now 57 to 71 months. However, the mandatory minimum sentence is 60 months. The Defendant has already served more than 60 months and has a projected release date of July 9, 2008.

After due consideration of Street's post-sentencing conduct, as well as the submissions of counsel for Street and Assistant United States Attorney Carrie Capwell, the Court finds that a sentence of time served plus ten days, plus four years of supervised release is sufficient but no greater than necessary.

For the foregoing reasons, it is hereby

ORDERED, that James Street's sentence is reduced to a term of time served plus ten days, plus four years of supervised release.

So Ordered.

Dated: Central Islip, New York
June 4, 2008

/s/ Arthur D. Spatt
Arthur D. Spatt
United States District Judge